

— SM 561-07 Bushwood Wharf Overflow —  
Cond. Apprl. ~~Parking Lot~~

51829-6794

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

December 10, 2007

Sue Veith  
St. Mary's County Government  
Department of Land Use and Growth Management  
P O Box 653  
Leonardtown, Maryland 20650

Re: Bushwood Wharf Public Landing Overflow Parking Area  
Critical Area Commission Conditional Approval

Dear Ms. Veith:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On December 5, 2007, the Critical Area Commission unanimously approved the County's proposal and site plan to relocate an overflow parking area at the Bushwood Wharf Public Landing per the submitted site plan. This approval included the following condition:

Within 60 days from the date of Commission approval, the St. Mary's County Department of Recreation, Parks and Community Services shall submit a planting plan to Commission staff demonstrating compliance with the 29,604 square feet of mitigation required for the proposed Buffer disturbance with the goal of performing all mitigation within the 100-foot buffer either on or off site.

In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. David Guyther, Department of Recreation, Parks and Community Services

## ***Critical Area Commission***

### **STAFF REPORT**

December 5, 2007

**APPLICANT:** St. Mary's County Department of Recreation, Parks & Community Services

**JURISDICTION:** St. Mary's County

**PROPOSAL:** Bushwood Wharf Public Landing Overflow Parking Area

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Conditional Approval with Conditions

**STAFF:** Kate Schmidt

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

### **DISCUSSION:**

St. Mary's County Department of Recreation, Parks & Community Services is proposing to relocate an overflow parking area for Bushwood Wharf Public Landing. Bushwood Wharf is an historic wharf site in St. Mary's County that is used as a public boat ramp, pier and boat docking facility and is heavily used by local watermen and recreational boat owners. It is located off Bushwood Wharf Road, near Route 239, on the Wicomico River. St. Mary's County maintains sixteen public landings and/or launch sites. Bushwood Wharf is one of only eight boat launch facilities that can accommodate motorized boats and one of only seven that provide both a pier and boat launch.

Bushwood Wharf is located on a 0.547 acre triangular shaped site that is bounded on the west and southeast by the Wicomico River and wetlands, and on the north by Bushwood Wharf Road and Quade's Boat Rentals and Bar. It is entirely in the Critical Area Buffer and has limited fast land nearly all of which is used for access to the ramp and for parking vehicles or boat trailers. To the east of the wharf site, the immediately adjacent land slopes steeply from the edge of the road up to the grounds for Ocean Hall, a 17th century house and registered historic landmark in the county, and then again steeply to the Wicomico River's edge.

Due to the site limitations, the county Department of Recreation and Parks had leased and maintained an overflow lot in an open field across the road approximately 200 feet east of the existing parking area and up a 200 foot driveway to a fenced grass parking lot that is in the Critical Area Buffer from tidal wetlands. The owner of the leased land is in the process of

adjusting property boundaries to accommodate residential redevelopment that must comply with Critical Area Resource Conservation Area (RCA) regulations and will be outside the Buffer and is unwilling to renew a lease for parking in that location.

As a result, the county has renegotiated the lease, pending site plan and Critical Area approvals, to accommodate overflow parking in another area on the same site immediately across the road from the existing wharf parking lot. This area is 9,868 square feet in size located in a Resource Conservation Area. It is currently developed with an old dwelling, boat parking, and a shed at the edge of the marsh with debris (rusting equipment, wood platforms, tanks and other materials) scattered about the site. This area is in the Critical Area Buffer on a level area that slopes minimally toward tidal wetlands with fringe nontidal wetlands to the North.

The County will remove all of the existing impervious surface and debris on the site and in the marsh. The existing septic tank serving the demolished structure will be filled in and the septic disposal field currently located within 40 feet of the marsh fringe will be abandoned. The County intends to maintain the site as a grassed area and will only construct two small paved entrances off of Bushwood Wharf Road to provide access. The north side of the parking area adjacent to the wetlands will be bounded by a mix of shrubs and trees to improve the site capacity for infiltration and runoff and uptake of nutrients. A fence and low hedge of native shrubs will be provided at the edge of the existing road to help control access to the paved entrances and to provide for infiltration for runoff from Bushwood Wharf Road.

Except for the use in the 100-foot Buffer, no other Habitat Protection Areas will be affected.

### **Conditional Approval Process**

*In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:*

**The following are the responses of the applicant:**

***B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;***

Due to existing adjacent development, the limited land available, and proximity of tidal waters and wetlands on all sides of that available land, this site, which is in the Critical Area Buffer, is the only site available for overflow parking for the Bushwood Wharf public landing.

***B.(2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;***

The requested project will enhance the public access to the Wicomico River by accommodating increased use of the existing boat ramp and pier. The location of the site closer to the existing ramp will eliminate some illegal parking along the road enhancing safety for the patrons and residents. Additionally, existing impervious surfaces and debris will be removed and the site will no longer accommodate an old septic system. Finally, the site design will improve the capacity for infiltration of runoff and uptake of nutrients.

***B.(3) That the project or program is otherwise in conformance with this subtitle;***

The request requires no other relaxation of the regulations other than the requested conditional approval for placement of the overflow parking in the Critical Area Buffer.

*The conditional approval request shall, at a minimum, contain the following:*

***C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;***

Due to the existing site constraints, it is impossible to provide needed additional parking onsite at this existing public landing site. Leased land is the only available option to meet the need for parking and the available lands must be close enough to be used by patrons and is dependent upon a willing owner. Since the only available site meeting this criteria is in the Critical Area Buffer, enforcement of the regulation will eliminate the county's ability to provide overflow parking for this existing and heavily used site.

***C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;***

The removal of existing grandfathered structures from the Buffer and removal of debris from the Buffer and marsh fringe and abandonment of an existing septic system in the Critical Area Buffer is necessary to accommodate the grass parking lot. The county will provide best management practices and mitigation planting to offset the impacts of compaction and pollutants resulting from parking on the site. The practices and planting will also capture and filter runoff from the existing road. In addition the existing overflow parking area also in the Buffer is being eliminated. The effect of these changes are anticipated to improve water quality.

***C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.***

The proposed site is currently devoid of woody vegetation except for some high tide bush within the fringe marsh. The proposed plantings will be native plants adapted for the site conditions— salt tolerant, appropriate for saturated sandy soils and for full sun. Species will be selected for

their habitat value to enhance and protect the wetlands and provide food and shelter for wildlife. Provision of information regarding the site planting is contemplated to demonstrate to the public the use of appropriate landscape materials for conservation landscaping.

*The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:*

*E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;*

*E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and*

*E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.*

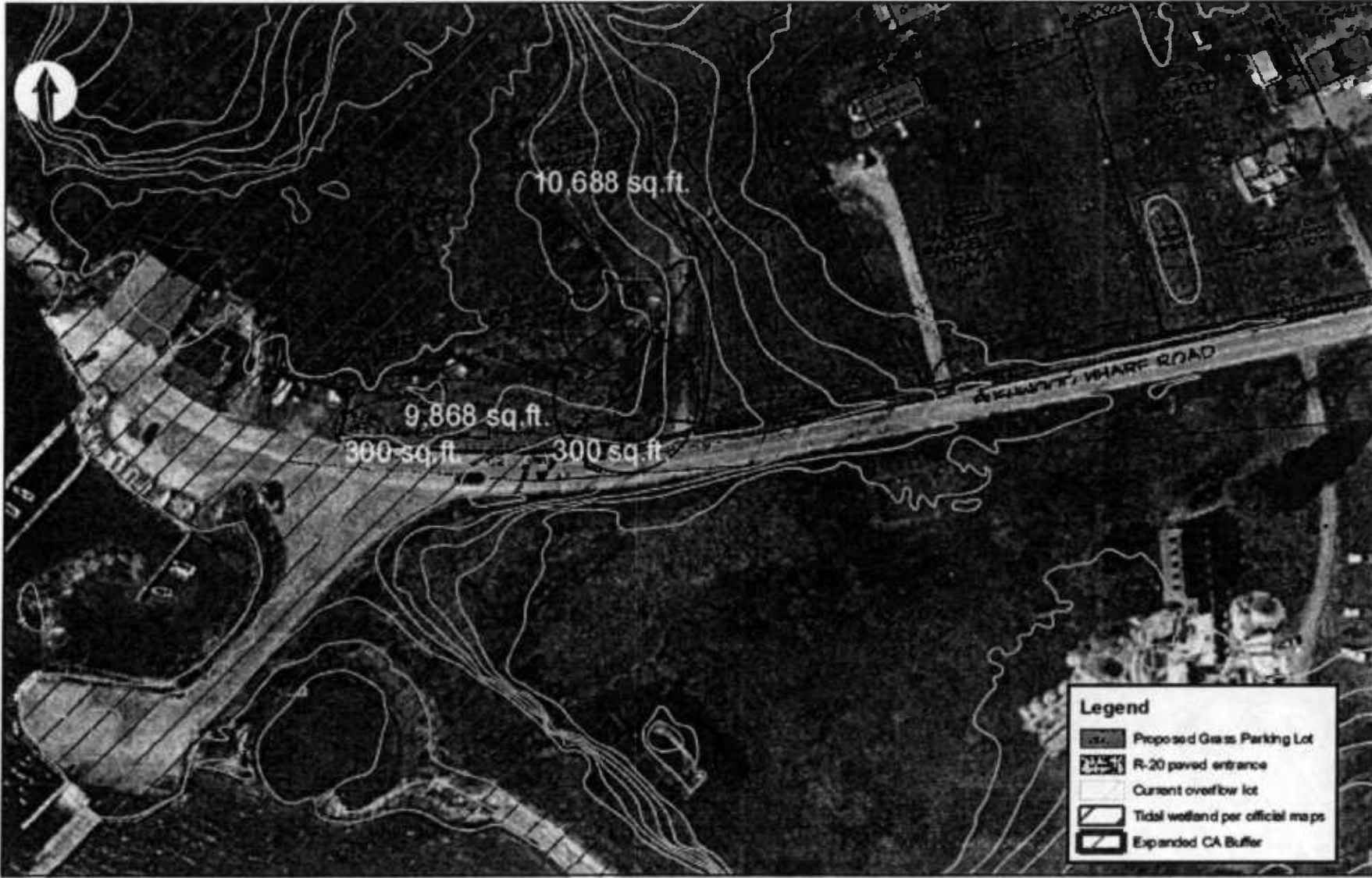
#### **Staff Recommendation**

Commission staff recommend approval of the proposed project with the following condition:

1. The County will submit a planting plan providing the required 3:1 mitigation, or 29,604 square feet of plantings within 60 days of the project approval.

*with the goal of providing all within Buffer, with a minimum of a 1:1 in the 100-foot Buffer*  
Note: The County has requested flexibility in providing all mitigation within the Buffer. Buffer  
Commission staff has informed the County that the Subcommittee will need to discuss this item specifically.

*either on site or offsite*



Bushwood Wharf Public Landing Overflow Parking Lot Proposal

Permits and Inspections  
(301) 475-4200 Ext. 1500  
Fax (301) 475-4672

Administration  
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Fax (301) 475-4635

Development Services  
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Comprehensive Planning  
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Fax (301) 475-4635

ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF LAND USE  
AND GROWTH MANAGEMENT  
Denis D. Canavan, Director




561-07  
136-96  
Francis Jack Russell, President  
Kenneth R. Dement, Commissioner  
Lawrence D. Jarboe, Commissioner  
Thomas A. Mattingly, Sr., Commissioner  
Daniel H. Raley, Commissioner

September 18, 2007

Transmitted via Email with hard copy to follow.

MEMORANDUM

TO: Kate Schmidt, Planner  
FROM: Sue Veith, Environmental Planner   
RE: Bushwood Wharf Overflow Parking lot

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CRITICAL AREA COMMISSION

The referenced County project proposed to place an overflow parking lot on a leased site in an area immediately adjacent to the existing Bushwood Wharf Public Landing and Boat Ramp. This site is in the Buffer and therefore requires Conditional Approval from the Chesapeake and Coastal Bays Critical Area Commission. If it is at all possible, we hope the project can be placed on the October agenda for the Commission.

In accordance with direction for submissions for Conditional Approval, I am providing the following information and the enclosed plan to show that the project or program has the following characteristics:

***B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;***

- ✓ *Due to existing adjacent development, the limited land available, and proximity of tidal waters and wetlands on all sides of that available land, this site, which is in the Critical Area Buffer is the only site available for overflow parking for the Bushwood Wharf public landing.*

*Bushwood Wharf is an historic wharf site in St. Mary's County that is used as a public boat ramp, pier and boat docking facility and is heavily used by local watermen and recreational boat owners. The triangular 0.547 acre site is bounded on two sides west and Southeast by the Wicomico River and wetlands and on the north by Bushwood Wharf Road and Quade's Boat Rentals and Bar. Bushwood Wharf is entirely in the CA Buffer and has limited fast land nearly all of which is used for access to the ramp and for parking vehicles or boat trailers. To the east of the wharf site, the immediately adjacent land slopes steeply from the edge of the road to a narrow field which part of the grounds for Ocean Hall, a 17<sup>th</sup> century house which is a registered historic landmark in the county, and then again steeply to the Wicomico River's edge*

*Due to the site limitations, the county Department of Recreation and Parks had leased and maintained an overflow lot in an open field across the road approximately 200 feet east of the existing parking area and up a 200 foot driveway to a fenced grass parking lot that is in the Critical Area Buffer from tidal wetlands. The owner of the leased land is in the process of adjusting property boundaries to accommodate residential redevelopment that must comply with Critical Area RCA regulations and will be outside the CA Buffer and is unwilling to renew a lease for parking in that location.*

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As a result, the county has renegotiated the lease, pending site plan and Critical Area approvals, to accommodate overflow parking in another area on the same site immediately across the road from the existing wharf parking lot. This area currently has an old dwelling, boat parking, and a shed at the edge of the marsh with debris (rusting equipment, wood platforms, tanks and other materials) scattered about the site which will be removed from the site by the county. This area is in the Critical Area Buffer on a level area that slopes minimally toward tidal wetlands with fringe nontidal wetlands to the North.

**B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;**

Existing impervious surfaces and debris on the site and in the marsh will be removed from the proposed area of the grass parking lot. The existing septic tank serving the demolished structure will be filled in (or removed as necessary to assure vehicle safety driving over it) and the septic disposal field currently located within 40 feet of the marsh fringe will be abandoned. The parking lot will be maintained in stabilized turf grass. A shallow swale along the north edge of the parking is contemplated with shrubs and trees appropriate for location along the marsh fringe planted between grass parking lot and the wetlands to the north. Except at the two paved R-20 entrances off of Bushwood Wharf Road, a fence and low hedge of native shrubs will be provided at the edge of the existing road to direct and control access in and out of the overflow lot. The combination of the turf and the woody vegetation will provide increased uptake of nutrients from the site and will provide added filtration of runoff from the existing road.

In addition to improving the site capacity for infiltration of runoff and uptake of nutrients, the requested project will enhance the public access to the Wicomico River by accommodating increased use of the existing boat ramp and pier. The location of the site closer to the existing ramp will eliminate some illegal parking along the road enhancing safety for the patrons and residents.

**B.(3) That the project or program is otherwise in conformance with this subtitle;**

The request requires no other relaxation of the regulations other than the requested conditional approval for placement of the overflow parking in the Critical Area Buffer.

The conditional approval request shall, at a minimum, contain the following:

**C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;**

Due to the existing site constraints, it is impossible to provide needed additional parking onsite at this existing public landing site. Leased land is the only available option to meet the need for parking and the available lands must be close enough to be used by patrons and is dependent upon a willing owner. Since the only available site meeting that criteria is in the Critical Area Buffer, enforcement of the regulation will eliminate the county's ability to provide overflow parking for this existing and heavily used site.

**C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;**

The removal of existing grandfathered structures from the Buffer and removal of debris from the buffer and marsh fringe and abandonment of an existing septic system in the Critical Area Buffer is necessary to accommodate the grass parking lot. The county will provide best management practices and mitigation planting to offset the impacts of compaction and

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*pollutants resulting from parking on the site. The practices and planting will also capture and filter runoff from the existing road. In addition the existing overflow parking area also in the Buffer is being eliminated. The effect of these changes are anticipated*

**C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.**

*The proposed site is currently devoid of woody vegetation except for some high tide bush within the fringe marsh. The proposed plantings (to be selected from the attached list) will be native plants adapted for the site conditions—salt tolerant, appropriate for saturated sandy soils and for full sun. Species will be selected for their habitat value to enhance and protect the wetlands and provide food and shelter for wildlife. Provision of information regarding the site planting is contemplated to demonstrate to the public the use of appropriate landscape materials for conservation landscaping.*

Please let me know if there is any additional information needed to process this request. I may be reached at 301-475-4200 extension 1547 or via email at [sue.veith@cop.saint-marys.md.us](mailto:sue.veith@cop.saint-marys.md.us)

Attachments:      1) Aerial photo overlaid with plan of proposed overflow parking lot.  
                         2) List of salt tolerant plants to be used for mitigation planting.

c:                    Admin. File

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Attachment 1:

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Bushwood Wharf Public Landing Overflow Parking Lot Proposal

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## Attachment 2:

Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND

Scientific name	Common name	Salt Tolerance	Sun	Moisture	Soil (Clay, Loam, Sand)	Category of Plant	Height x Spread
<i>Aronia arbutifolia</i>	Red Chokeberry	Soil salt tolerant; oceanside, roadside, or aerial salt tolerant;	Full sun, partial shade	Dry, Moist, Wet	C, L, S	Shrubs	
<i>Aronia melanocarpa</i>	Black Chokeberry	Soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Full sun, partial shade	Dry, Moist, Wet	C, L, S	Shrubs	
<i>Baccharis halimifolia</i>	Groundsel tree	Tolerates intense salt spray; grows naturally along tidal creeks	Full sun	Dry, Moist, Wet	C, L, S	Shrubs	
<i>Callicarpa americana</i>	American Beautyberry	Tolerates salty winds	Full sun, partial shade	Dry, Moist	C, L, S	Shrubs	

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**Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND**

Scientific name	Common name	Salt Tolerance	Sun	Moisture	Soil (Clay, Loam, Sand)	Category of Plant	Height x Spread
<i>Clethra alnifolia</i>	Sweet Pepperbush	Oceanside, roadside, or aerial salt tolerant; tolerates some flooding by partly salty water	Partial shade, shade	Moist, Wet	C, L, S	Shrubs	
<i>Hydrangea arborescens</i>	Smooth Hydrangea	Soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Partial shade, shade	Moist	L	Shrubs	
<i>Myrica pennsylvanica</i>	Bayberry	Oceanside, roadside, or aerial salt tolerant	Full sun, partial shade	Dry, Moist, Wet	C, L, S	Shrubs	
<i>Myrica cerifera</i>	Southern wax myrtle, Bayberry	Moderate	Full sun, partial shade	Dry, Moist, Wet	C, L, S	Shrubs	
<i>Vaccinium corymbosum</i>	Highbush Blueberry	High; soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Full sun, partial shade, shade	Dry, Moist, Wet	L, S	Shrubs	

**Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND**

Scientific name	Common name	Salt Tolerance	Sun	Moisture	Soil (Clay, Loam, Sand)	Category of Plant	Height x Spread
<i>Viburnum dentatum</i>	Arrowwood, Southern Arrowwood	Soil salt tolerant; Oceanside, roadside, or aerial salt tolerant	Full sun, partial shade, shade	Dry, Moist, Wet	L, S	Shrubs	
<i>Viburnum prunifolium</i>	Black Haw	Soil salt tolerant	Full sun, partial shade, shade	Dry, Moist, Wet	C, L	Shrubs	
<i>Amelanchier arborea</i>	Shadbush, Serviceberry	Low; soil salt tolerant	Partial shade, shade	Dry, Moist	L, S	Trees	
<i>Amelanchier canadensis</i>	Shadbush, Serviceberry	Low; soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Partial shade, shade	Moist, Wet	C, L, S	Trees	
<i>Betula nigra</i>	River Birch	Soil salt tolerant	Full sun, partial shade	Moist, Wet	C, L	Trees	
<i>Carpinus caroliniana</i>	American Hornbeam	Soil salt tolerant	Partial shade, shade	Moist	L, S	Trees	
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	Soil salt tolerant	Partial shade, shade	Moist, Wet	C, L, S	Trees	

**Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND**

Scientific name	Common name	Salt Tolerance	Sun	Moisture	Soil (Clay, Loam, Sand)	Category of Plant	Height x Spread
<i>Fraxinus pennsylvanica</i>	Green Ash	Low; tolerates infrequent flooding and some salt	Full Sun, partial shade	Dry, Moist, Wet	C, L, S	Trees	
<i>Ilex opaca</i>	Holly, American	Low	Full sun, partial shade, shade	Moist	C, L	Trees	
<i>Juniperus virginiana</i>	Eastern Red Cedar	Low; oceanside, roadside, or aerial salt tolerant; soil salt tolerant	Full sun	Dry, Moist	C, L, S	Trees	
<i>Liquidambar styraciflua</i>	<u>Sweetgum</u>	Moderate	Full sun, partial shade	Moist, Wet	C, L, S	Trees	
<i>Magnolia acuminata</i>	Cucumber Magnolia	Soil salt tolerant	Full sun	Moist	C, L, S	Trees	
<i>Magnolia virginiana</i>	Sweetbay Magnolia	Soil salt tolerant	Fun sun, partial shade, shade	Moist, Wet	C, L, S	Trees	
<i>Nyssa sylvatica</i>	Tupelo, Black Gum	Low; soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Full sun, partial shade	Dry, Moist, Wet	L, S	Trees	
<i>Pinus rigida</i>	Pine, Pitch	Soil salt tolerant	Full sun	Dry	L, S	Trees	

**Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND**

Scientific name	Common name	Salt Tolerance	Sun	Moisture	Soil (Clay, Loam, Sand)	Category of Plant	Height x Spread
<i>Pinus taeda</i>	Pine, Loblolly	Soil salt tolerant	Full sun	Dry, Moist, Wet	C, L, S	Trees	
<i>Platanus occidentalis</i>	<u>Sycamore</u>	Soil salt tolerant	Full sun, partial shade	Moist, Wet	L, S	Trees	
<i>Quercus alba</i>	White Oak	Soil salt tolerant; oceanside, roadside, or aerial salt tolerant	Full sun, partial shade	Dry, Moist	L, S	Trees	
<i>Quercus bicolor</i>	Swamp White Oak	Soil salt tolerant	Full sun, partial shade	Wet	C, L, S	Trees	
<i>Quercus marilandica</i>	Oak, Blackjack	Low	Partial shade	Dry	L, S	Trees	
<i>Quercus rubra</i>	Northern Red Oak	Soil salt tolerant	Full sun, partial shade	Dry, Moist	C, L	Trees	
<i>Taxodium distichum</i>	<u>Bald cypress</u>	Soil salt tolerant	Full Sun, partial shade	Wet	C, L, S	Trees	
<i>Elymus canadensis</i>	Wildrye, Canadian	Moderate	Full sun	Dry, Moist	C, L, S	Grasses	
<i>Schizachyrium scoparium</i>	Little bluestem	High	Full Sun	Dry	L, S	Grasses	
<i>Panicum virgatum</i>	Switch grass	Moderate	Full sun, partial shade	Dry, Moist, Wet	C, L, S	Grasses	
<i>Hibiscus moscheutos</i>	Rose mallow	Low	Full sun, partial shade	Moist, Wet	C, L	Herbaceous	



**Table 1: SALT TOLERANT PLANTS NATIVE TO MARYLAND**

<b>Scientific name</b>	<b>Common name</b>	<b>Salt Tolerance</b>	<b>Sun</b>	<b>Moisture</b>	<b>Soil (Clay, Loam, Sand)</b>	<b>Category of Plant</b>	<b>Height x Spread</b>
<i>Mitchella Repens</i>	Partridgeberry	Low	Partial sun, shade	Dry, Moist	L, S	Herbaceous	
<i>Spartina patens</i>	Salt Meadow Hay	High	Full sun	Moist, Wet	C, L, S	Herbaceous	
<i>Yucca filimentosa</i>	Adam's needle	Soil salt tolerant	Full sun	Dry	L, S	Herbaceous	



Bushwood Wharf Public Landing Overflow Parking Lot Proposal

**Legend**

- Proposed Grass Parking Lot
- R-20 paved entrance
- Current overflow lot
- Tidal wetland per official maps
- Expanded CA Buffer

60 0 60 120 Feet

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